

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Case No. 16-cr-0193 (WMW/BRT)

Plaintiff,

ORDER

v.

Ronald David Johnson,

Defendant.

This matter is before the Court on the application of defendant Ronald David Johnson to proceed *in forma pauperis* (IFP) on appeal from the denial of his motion for relief under 28 U.S.C. § 2255. (Dkt. 351.) The appellate IFP application submitted by Johnson demonstrates that he qualifies financially for IFP status. Because Johnson “was determined to be financially unable to obtain an adequate defense” in the underlying criminal proceedings, Johnson may proceed IFP on appeal without further authorization of the Court. *See* Fed. R. App. P. 24(a)(3).¹ However, to make clear that Johnson may proceed IFP on appeal, his application is granted.

¹ A litigant may proceed IFP on appeal only if the appeal is taken in good faith. Fed. R. App. P. 24(a)(3)(A). Although the Court declined to issue a certificate of appealability when the Court denied Johnson’s Section 2255 motion, “[t]he standard for granting an application for leave to proceed *in forma pauperis* . . . is a lower standard than the standard for certificates of appealability.” *Moore v. Haas*, No. 2:13-CV-12225, 2013 WL 5819593, at *6 (E.D. Mich. Oct. 29, 2013); *accord United States v. Youngblood*, 116 F.3d 1113, 1115 (5th Cir. 1997). The Court continues to believe that it properly denied Johnson’s motion for relief under Section 2255, but Johnson’s appeal is not frivolous as the Supreme Court of the United States has defined that term. *See Neitzke v. Williams*, 490 U.S. 319, 325, 327–28 (1989).

ORDER

Based on the foregoing analysis and all the files, records and proceedings herein,
IT IS HEREBY ORDERED: that Defendant Ronald David Johnson's application to
proceed *in forma pauperis* on appeal, (Dkt. 351), is **GRANTED**.

Dated: May 13, 2022

s/Wilhelmina M. Wright
Wilhelmina M. Wright
United States District Judge